IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 6955 of 2004(C)

PETITIONER:

K.V. KUNHUMOHAMMED, AGED 60 YEARS,
S/O. MOHAMMED, HEAD MASTER (RETIRED),
MUTTAYOOR AMLP SCHOOL, VALAPPILTHODU HOUSE,
VALIAMPARAMPA P.O., PIN-673637,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.V.MOHANAN.

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL EDUCATION (B) DEPARTMENT, THIRUVANANTHAPURAM.**
2. **THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM.**
3. **THE ASSISTANT EDUCATIONAL OFFICER, KONDOTTY, MALAPPURAM.**

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.6955/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. G.O. (RT). NO. 884/95/G.E. DTD. 17/03/1995 ISSUED BY THE R.1.

EXT.P.2: COPY OF THE JUDGMENT IN O.P. NO. 9385/1996 - P DTD. 18/10/2001 BY THIS HONOURABLE HIGH COURT.

EXT.P.3: COPY OF THE STATEMENT OF FIXATION PAY ISSUED BY THE PETITIONER DTD. 12/01/02.

EXT.P.4: COPY OF THE PROCEEDINGS NO. D-5303/01 DTD. 20/01/2003 BY A.E.O. TO D.E.O.

EXT.P.5: COPY OF THE PROCEEDINGS NO. D. 5303/01 DTD. 26/07/2003.

EXT.P.6: COPY OF THE PROCEEDINGS NO. D. 5303/01 DTD. 07/02/2004.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.6955 of 2004

Dated 7th June, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P6 order passed by the Deputy Director, in the matter of regularisation of the suspension period from 28.1.1993 to 7.5.1995. According to the petitioner, once the matter was referred to the Government, only the Government is competent to pass orders. It is seen from the impugned order that the Government has already communicated its views in the letter dated 12.11.2003. The contention of the petitioner is that he was not permitted to peruse the contents of the letter and hence, there is no proper consideration of his grievance by the Deputy Director. There is no counter affidavit. I quash Ext.P6. There will be a direction to the Deputy Director to consider the matter afresh with notice to the petitioner and after permitting the petitioner to peruse the views of the Government. The needful in this regard shall be done within a period of four months from the date of receipt of a copy of the judgment. It is made clear that the question of pay fixation will be considered based on the outcome of the orders thus passed by the Deputy Director as above.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

OP NO. 2

tgs

KURIAN JOSEPH, J.

O.P. NO. OF 2003

J U D G M E N T

Dated 7th June, 2007.